

REMARKS

Claims 1, 4-7, 13 and 14 are pending in the above-identified application. Claims 1, 4-7, 13 and 14 were rejected. With this Amendment, claims 1, 13 and 14 were amended. Accordingly, claims 1, 4-7 and 13-14 are at issue in the above-identified application.

35 U.S.C. § 112 Indefiniteness Rejection of Claims

Claims were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written requirement. Applicants respectfully traverse this rejection.

35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 1, 4-7, 13 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the EP 997960 reference. Applicants respectfully traverse this rejection. Withdrawal of this rejection is respectfully requested.

Claim 1 recites a secondary battery comprising a positive electrode, a negative electrode, and an electrolyte, wherein the positive electrode includes a positive electrode mixture layer capable of occluding and releasing light metal, wherein the negative electrode includes a negative electrode mixture layer capable of occluding and releasing light metal, and wherein the charge capacity of the negative electrode is expressed by the sum of a first capacity component by occluding and releasing light metal and a second capacity component by precipitating and dissolving light metal on said negative electrode at charging voltages below overcharging. Additionally, claim 1 also recites that the ratio (A/B) of thickness A of the positive electrode mixture layer and thickness B of the negative electrode mixture layer is 1.186 *or more* and that each of the thickness A of the positive electrode mixture layer and the thickness B of the negative electrode mixture layer lies within the range of 80 μm to 250 μm , both inclusive, and wherein the negative electrode mixture layer contains a *carbonaceous material*.


Additionally, the EP 997960 reference does not teach that the ratio (A/B) of thickness A of the positive electrode mixture layer and thickness B of the negative electrode mixture layer is 1.186 or more, as recited by claim 1 and as supported in Example 2 through 7, as illustrated in Table 1. For example, Table 6 of the EP 997960 reference recites thicknesses for one layer of positive electrode and thicknesses for one layer of negative electrode which have a ratio A/B none of which are 1.186 or more. If as the Examiner stated, the EP '960 reference envisioned a secondary battery having a ratio A/B of thickness A of a positive electrode mixture layer and a thickness B of a negative electrode mixture layer of 1.186 or more, then they should have inserted at least one example meeting this limitation. However, table 6 clearly does not indicate a single example which meets limitations of Applicants claimed invention. Furthermore, while the EP '960 reference discloses that an upper limit for the thickness of both the positive electrode mixture layer and the negative electrode mixture layer is preferably 85 microns, it also discloses a thickness range for both the positive electrode mixture layer and the negative electrode mixture layer to be between 10 and 100 microns. There is no suggestion within the EP '960 reference that the thickness of the positive electrode mixture layer should be greater than the thickness of the negative electrode mixture layer by 1.186 or more. Without such a suggestion, it is wrong for the Examiner to pick and choose possible thicknesses within such a broad range for each of the positive electrode mixture layer and the negative electrode mixture layer, without any suggestion to do so. If anything, the EP '960 reference suggests that both the positive and the negative electrode mixture layer should be approximately the same thickness, not having one layer thicker than the other. While table 6 does show positive electrodes and negative electrodes having different thickness dimensions, nothing within the EP '960 reference teaches or suggests that the positive electrode mixture layer be thicker than the negative electrode mixture layer by

1.186 or more. While the EP reference may not strictly require that the thickness of both electrodes be identical or the same, there is no teaching or suggestion found within the EP '960 reference that would suggest that the thickness of the positive electrode mixture layer needs to be thicker or should be thicker than the thickness of the negative electrode mixture layer by an amount of *1.186 or more*. Applicants therefore contend that since no such teaching or suggestion is made in the reference that Applicants claimed invention is not taught or disclosed by the EP reference.

In view of the foregoing, Applicants submit that the application is in condition for allowance. Notice to that effect is requested.

Respectfully submitted,

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By: 

David Rozenblat
Registration No. 47,044
SONNENSCHN NATH & ROSENTHAL LLP
P.O. Box 061080
Wacker Drive Station, Sears Tower
Chicago, Illinois 60606-1080
(312) 876-8000